

### **REMARKS**

Favorable reconsideration and allowance of this application are requested.

By way of the amendment instructions above, the subject matter of prior claim 11 has been incorporated into the amended version of claim 1 and as such, claim 11 has been cancelled as redundant. Thus, claims 1-10 and 12-13 remain pending in this application for which favorable reconsideration and allowance are requested.

The only issue remaining to be resolved in this application is the alleged anticipation (35 USC §102(b)) of prior claims 1 and 3-12 based on Berger et al (WO 9724389).<sup>1</sup> Applicants respectfully suggest that the present invention is both novel and unobvious over Berger et al.

At the outset, applicants note that one advantage that ensues from the process as defined in the amended version of claim 1 is that there is additional reduction in time needed for the overall post-condensation to reach the desired end viscosity. This effect cannot be discerned from any of the references applied by the Examiner in the Official Action dated November 15, 2006, let alone from the applied Berger et al reference.

In this regard, applicants note that the references cited by the Examiner, including Berger et al, all relate to a single post-condensation step and a cooling step. Thus, the cited documents do not describe at all a post condensation process comprising a first condensation step which at the end of which the polyamide polymer has an intermediate-viscosity corresponding with a viscosity number  $VN_{int}$ , followed by a second post-condensation step at the end of which the polyamide polymer has an end-viscosity corresponding with a viscosity number  $VN_{end}$ , whereby  $VN_{int}$  is at most 90% of  $VN_{end}$ , measured according to ISO 307.

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<sup>1</sup> The combination of claims 1 and 11 render moot the Examiner's other rejections of record advanced under 35 USC §102(b) based on Dujari et al, Van Ruiten et al and Beaton.

With respect to Berger et al, the Examiner asserts that:

“Viscosity numbers may increase with the lower dew point of Nitrogen ([Berger et al’s] Table, tests 2 and 4), meeting the limitations of [prior] claim 11.” Official Action dated November 15, 2006 at page 3, lines 1-2.

In response, Applicants direct the Examiner’s attention to column 4, lines 34-38 of Berger et al<sup>2</sup> which states that:

“It can be seen from the table that the moisture content in the granulate can be controlled within the wide limits in a simple way by way of the dew point. *The viscosity, conversely, is varied by means of the granulate temperature over time.*” (Emphasis added)

Thus, applicants respectfully suggest that the Examiner’s interpretation of Table 1 in Berger et al is incorrect. As explicitly stated by Berger et al in the text quoted immediately above which appears immediately below Table 1, the *viscosity* is varied by the granulate temperature over time. Indeed, tests Nos. 2 and 4 have different granulate temperatures (195<sup>0</sup>C and 189<sup>0</sup>C), with only “similar” temperature/time profiles. Therefore, there is no teaching, motivation or direction to a person of ordinary skill in the field to increase viscosity in step (b) as defined in the present invention. Indeed, the quoted text of Berger et al above teaches *directly away* from the notion that viscosity is related to dew point. Contentions to the contrary amount to reversible error.

As noted previously, according to the present invention, an increase in the viscosity in step (b) has an advantage that there is an additional reduction in time needed for the overall post-condensation to reach the desired end viscosity. Berger et

CROMBACH et al.  
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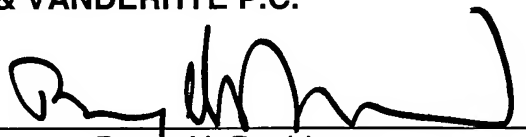
al, rather than being directed toward an increase in viscosity or molecular weight of a polymer, is directed to the removal or control of water and other contaminants in the system. (See Berger et al, column 1, lines 47-61.)

Hence, the presently claimed invention is both novel and unobvious over the applied Berger et al reference. Withdrawal of the rejection advanced against the pending claims based on Berger et al is therefore solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Bryan H. Davidson  
Reg. No. 30,251

BHD:bcb  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

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<sup>2</sup> Citation is to the column and line numbers of the US patent equivalent, USP 5,859,177, of the applied Berger et al International Publication.